UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,004	10/01/2003	Christina Hsu	200208014-1	7237

			EXAMINER
22879	7590	08/07/2006	PHAM, THAI V

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ART UNIT	PAPER NUMBER
2194	

DATE MAILED: 08/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*01 October 2003*</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10/01-2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date *10/01/2003*.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

This is the initial office action based on the application filed on August 1, 2006. Claims 1 – 24 are currently pending and have been considered below.

Examiner's Note

1.   The following non-conventional technical terminologies used in the claim language limit the scope of the claim, which directly or indirectly (by means of a parent claim) refer to the terminologies, to their explicit definitions as disclosed in the application.

-- A singleton object: is an object that exists in memory such that only one type of object exists at any time in memory. Once created, a singleton object is not destroyed after use, like most objects, but is kept in memory until accessed again.

2.   The Examiner notes that it appears that the Applicant is attempting to invoke 35 U.S.C. 112, 6th paragraph in Claim 15, with the use of means-plus-function language in the claim. As disclosed in the specification of the application, each of the means for performing the steps of the system recited in the claim is constructed by a series of algorithmic steps implemented in software program instructions. Thus, the specification does not provide any specific physical structure for the features that could be read into the claim to limit the scope of the means for the components or steps constituting the claimed system. Therefore, The Examiner does not consider the specification to be adequate to invoke a 35 U.S.C. 112, 6th paragraph interpretation and furthermore, for the purpose of further claim analysis under 35 U.S.C. 102 and 103, The Examiner treats

Claim 15 as a computer program containing machine-readable instructions stored on a

physical medium for performing the steps recited in the claim.

Claim Rejections - 35 USC § 101

3.   35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or
any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and
requirements of this title.

4.   Claims 1 and 15 (see Examiner's Note above) are rejected under 35 U.S.C. 101

because the claimed invention is directed to non-statutory subject matter.

-- As disclosed in the specification of the application, all components recited in the claim

that constitute the claimed system are constructed of software program objects and/or

instructions. Thus, the claimed system is considered a software program containing

machine-executable instructions, per se (and not associated with any physical

structure); therefore, it is non-statutory according to 35 U.S.C 101. For the purpose of

further claim analysis under 35 U.S.C. 102 and 103, The Examiner treats both Claims 1

and 15 as a computer program containing machine-readable instructions stored on a

physical medium for performing the method or steps recited in the claim.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

> (a) the invention was known or used by others in this country, or patented or described in a printed
> publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6.   Claims 1 – 24 are rejected under 35 U.S.C. 102(a) as being anticipated by

Kwong et al. (*Building a Portlet within the Model-View-Controller Paradigm Using*

WebSphere® Portal).

-- Claims 1, 8, 15, and 22: **Kwong** et al. disclose a software program tangibly stored on

a machine readable medium containing computer readable instructions for performing

the method of creating web applications, the method comprising:

   • creating a controller that receives a request for data from a user and responds

to the request by sending information to the user (i.e., a portal and its inherent

properties; Page 1); and

   • providing a configurator that loads configuration information for use by the

controller from a configuration file and stores the configuration information for

subsequent access (i.e., a portlet and its specified deployment descriptors and user

attributes; Page 2).

-- Claims 2, 9, and 16: **Kwong** et al. disclose the method of claim 1 (and 8, 15) and

further defining the configuration file to be a text properties configuration file (i.e., the

deployment descriptors, portlet.xml and web.xml, of a portlet).

-- Claims 3, 10, 17, and 23: **Kwong** et al. disclose the method of claim 1 (and 8, 15, 22)

and further adapting the configurator to store the configuration information as a

singleton object (i.e., a specific portlet in a portal; Page 2).

-- <u>Claims 4, 11, and 18</u>: **Kwong** et al. disclose the method of claim 1 (and 8, 15) and further defining the configuration information to comprise error handling information (i.e., defect list and error view; Fig. 3, page 4).

-- <u>Claims 5, 12, and 19</u>: **Kwong** et al. disclose the method of claim 1 (and 8, 15) and further defining the configuration information to comprise log processing information (i.e., graphical display of events; Fig. 6, pages 5 – 8).

-- <u>Claims 6, 13, and 20</u>: **Kwong** et al. disclose the method of claim (and 8,15) and further defining the configuration information to comprise data that is specific to each of a plurality of portals (i.e., a portlet and its associated sub-objects in a specific portal; Fig. 3, page 4).

-- <u>Claims 7, 14, 21 and 24</u>: **Kwong** et al. disclose the method of claim 1 (and 8, 15, 22) and further adapting the configurator to read the configuration information upon initialization of the controller (i.e., portlet interface initialization, *init()*; Fig. 3, page 4).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-- **Stefan Hepper** and **Stephan Hesmer**: <u>Introducing the Portlet Specification</u>. August 2003, JavaWorld. This specification defines the contract between portlet and portlet container, and a set of portlet APIs that address personalization, presentation, and security. The specification also defines how to package portlets in portlet applications.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Thai Van Pham whose telephone number is (571) 270-

1064. The examiner can normally be reached on Monday - Thursday, 9am - 5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, James Myhre can be reached on (571) 270-1065. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TVP
8/1/2006

James Myhre
Supervisory Patent Examiner